

NEW BRUNSWICK ENERGY AND UTILITIES BOARD
PROVINCE OF NEW BRUNSWICK

IN THE MATTER OF an application by HOLMES MULTISERVICE LTD., d/b/a HMS Transportation Service for an Order approving an amendment to its existing Motor Carrier license for scheduled (regular) service between St. Andrews and Saint John with stops in St. Stephen, St. George and Pennfield; as well as, approval of the proposed service and tariffs.

ORDER

WHEREAS the New Brunswick Energy and Utilities Board (the "Board") has received an application from Holmes Multiservice Ltd., d/b/a HMS Transportation Service (the "Applicant") for an order approving an amendment to its existing charter license number 1567 which reads:

- a) For the carriage of passengers and their baggage from all Towns and all points and highways in Charlotte County to the Saint John, Moncton and Fredericton Airports and to all Towns and highways in Charlotte County using Passenger Vans, School Buses and Mini Coach equipment.
- b) For the carriage of passengers and their baggage over all highways, to and from and between all points in the Province of New Brunswick and to other jurisdictions as authorized thereby and the reverse thereof as a charter operation using Passenger Van, School Bus and Mini Coach equipment.

For approval to provide additional authority:

For the carriage of passengers and their baggage as a scheduled operation, with the right to pick up and drop off passengers and their baggage within St. Andrews, St. Stephen, St. George, Pennfield and Saint John using mini coach and minibus equipment.

Proposed Schedule and Tariffs:

One (1) daily scheduled run (except Saturday and Sunday) between St. Andrews and Saint John with stops in St. Stephen, St. George and Pennfield at the following fares:

	ADULT	STUDENT *	CLUB 60 *	CHILD *
One way	\$22	\$19	\$19	\$13
Round trip	\$37	\$32	\$32	\$22

(* certain conditions apply)

NOW THEREFORE IT IS ORDERED THAT:

- 1) The Board shall consider the application in two phases.
- 2) The Board shall meet on Tuesday, the 4th day of September, 2007 to consider phase one of the application for an amendment to the applicant's license, to permit operations as a regular service over specified routes and shall follow the process as set out in *section 4 of the Motor Carrier Act* as follows:
 - a) any person who wishes to oppose the application shall file with the Board a notice of objection to the application on or before August 27, 2007; and
 - b) serve the applicant with a copy of the notice of objection filed with the Board
 - i. by personal service on or before August 27, 2007; or
 - ii. by prepaid registered mail, at the address shown on the application, on or before August 24, 2007; and
 - c) file with the Board a written statement of objection setting out in full the reasons why the application should be denied, together with any relevant documentary evidence, on or before August 31, 2007.
- 3) The Board shall hold a Public Hearing to consider phase two of the application on Tuesday the 18th day of September, 2007, at 9:30 o'clock in the morning, at the Board's premises, 15 Market Square, Suite 1400, Saint John, New Brunswick, whereby;
 - a) If the Board has not granted the amendment to the applicant's license referred to in paragraph 2 above at its meeting, it shall hear evidence and submissions regarding the application to amend the license; and/or
 - b) It shall consider the appropriateness of the specific public motor bus service and tariffs proposed;
- 4) Any person who wishes to intervene in the public hearing on September 18, 2007, must file a Notice of Intervention in writing on or before noon, Monday the 27th day of August, 2007, with both the Board at the address below and the Applicant, to the attention of John M. McNair, Esq., Gorman Nason Barristers & Solicitors, 121 Germain Street, PO Box 7286, Station A, Saint John, N.B. E2L 4S6, Tel: (506) 634-8600, Fax: (506) 634-8685, Email: john.mcnair@gormannason.com., as follows:
 - a) Setting out the name of the person and any authorized representative of the person and the mailing address, civic address, email address, telephone number, and any other telecommunications numbers of the person or the person's authorized representative;
 - b) Indicating their choice of official language for the hearing; and
 - c) provide the reasons why the Application should be denied together with any relevant documentary evidence in support thereof;

- 5) A copy of the documents filed in respect of this matter may be obtained by contacting the Applicant as noted in paragraph 4 above.
- 6) A Notice in substantially the form attached hereto marked "A" be published, in the English and French language, once in each of the following newspapers:

St. Croix Courier
Royal Gazette

-

St. Stephen
- Government publication

on or before the 8th day of August, 2007.

DATED at the City of Saint John, New Brunswick, this 18th day of July, 2007.

BY THE BOARD

Lorraine R. Légère
Secretary
New Brunswick Energy and Utilities Board
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